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SAH et al

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/834,599

04/12/2001

Adam D. Satz

004055.P010

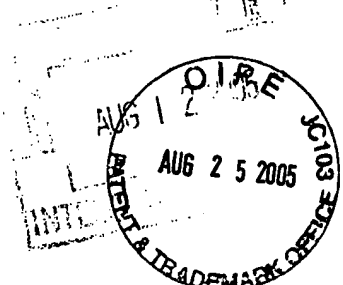
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08/09/2005

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CINCINNATI, OH 45202



EXAMINER

KIM, CHONG R

ART UNIT

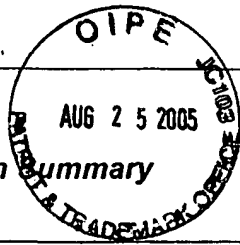
PAPER NUMBER

2623

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Date Rec'd: 8-15-05
Next Action: Response to Office Action
Due Date: 11-09-05
Docketed by: SLM
Case No: _____



Office Action Summary

Application No.

09/834,599

Applicant(s)

SAH, ADAM D.

Examiner

Charles Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on submissions received on April 6, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-21 (renumbered as claims 1-19 respectively) is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-10, 13-16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/18/05, 3/14/05, 2/22/05, 6/13/05, 9/24/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- Other: _____

DETAILED ACTION

Response to Election/Restriction Requirement

1. Applicant's election with traverse of species A (claims 2, 10) in the reply filed on April 6, 2005 is acknowledged. The traversal is on the ground(s) that the election requirement was in error. This is not found persuasive because no explanation was given as to why the applicants believe the election requirement was in error. The position of the Office remains that the restriction was proper for the reasons provided in the previous office action.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3-4, 11-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claims 19-21 are objected to because they are numbered improperly. More specifically, it appears that claims 17-18 have been skipped. Accordingly, misnumbered claims 19-21 have been renumbered as claims 17-19 respectively.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5-8, 13-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Referring to claim 5, the phrase, “determining if the current image is still the most interesting image; and refreshing the current image if it is still the most interesting image” in lines 3-4 is not supported by the applicant’s specification. More specifically, the applicant’s specification is non-enabling in regards to the step of refreshing the current image if it is still the most interesting image. On page 11, lines 11-13 of the applicant’s specification, it states, “an image displayed to an end-user is only refreshed if the image has changed...”. In other words, the image is refreshed only if the current image is no longer the most interesting image--if the image has changed. Accordingly, the applicant’s specification appears to provide support for the exact opposite of what is being claimed. The Examiner was unable to find enabling support in the applicant’s specification for “determining if the current image is still the most interesting image; and refreshing the current image if it is still the most interesting image”, as claimed.

Referring to claim 13, the phrase, “the interest logic to determine if the image sent by a current camera is still the most interesting image prior to refresh, and the refresh logic to refresh

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the image from the current camera if it is still has the most interesting image” in lines 3-6 is not supported by the applicant’s specification. The Examiner was unable to find enabling support in the applicant’s specification for the claimed limitation.

Claims not mentioned specifically are dependent on non-enabled antecedent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 9-10, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lyons et al., U.S. Patent Application Publication No. 2002/0067258 (“Lyons”).

Referring to claim 1, Lyons discloses a method of sending an image to a user’s system, the method comprising:

- a. receiving a plurality of images (pages 2-3, paragraph 27);
- b. identifying a most interesting image and selecting the most interesting image as a current image [page 3, paragraphs 28-32];
- c. sending the current image to the user (page 3, paragraph 32).

Lyons does not explicitly disclose that the method is used for “keeping a periodically refreshed image on the user’s system”. However, this portion of the preamble is not considered a

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limitation because “a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).” See MPEP 706.

Referring to claim 2, Lyons further discloses that identifying the most interesting image comprises determining movement within the image and selecting the image with the most movement (page 3, paragraphs 28-29 and 32).

Referring to claim 9, see the rejection of at least claim 1 above. Lyons further discloses an apparatus for performing the methods discussed above (figure 1).

Referring to claim 10, see the rejection of at least claim 2 above.

Referring to claim 17, Lyons discloses a system of providing images to a user, the system comprising:

- a. a plurality of cameras (114, 116) for periodically obtaining images, and sending the images to a server (pages 2-3, paragraph 27 and figure 1);
- b. a comparison logic (130) to identify a most interesting image from the plurality of cameras (pages 2-3, paragraph 27); and
- c. an interface (102a) to send the most interesting image from the server through a network to the user (pages 2-3, paragraph 27 and figure 1).

Referring to claim 18, Lyons further discloses that the comparison logic is in the server (figure 1).

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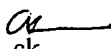
Referring to claim 19, Lyons further discloses that the comparison logic is in a camera control system (122, 128, 130), coupled to the server through a network, and wherein the comparison logic receives images from a plurality of cameras and sends a single image, the most interesting image, to the server (pages 2-3, paragraph 27 and figure 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ck
August 2, 2005


SAMIR AHMED
PRIMARY EXAMINER